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09/692,804	10/20/2000	Walter Wesley Howe	98-004CIP	6375

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 02/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/692,804

Applicant(s)

HOWE, WALTER WESLEY

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 7,12,23,34-36 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11,13-22,24-33,37-41 and 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 10, 11, 13-16, 27-29, 31, 32, 37-41, 43, 44 and 46 are rejected under 35 U.S.C § 103(a) as being unpatentable over Caccuro et al, U.S. Patent No. 5,440,615 (hereinafter Caccuro) in view of Nimphius, U.S. Patent No. 6,496,570 (hereinafter Nimphius).

Regarding claim 1, Caccuro discloses a method for reporting events (see col. 1, lines 1-50) in an intelligent network (see Figure 1), said method comprises the steps of identifying a group associated with a subscriber when an event that indicates an error (col. 5, line 26) in routing a call to the subscriber is detected, determining a directory number associated with the identified group and the detected event, establishing a call between the subscriber and a message node in the network using

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the determined directory number, generating a message by the message node based on the directory number and a profile associated with the identified group and reporting the message to the subscriber (see Figures 7-9).

Caccuro does not disclose the events are reported in a wireless intelligent network to a wireless subscriber. However Nimphius discloses this limitation (see Figure 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Caccuro with the wireless method taught by Nimphius. This modification would allow for subscribers to be mobile as suggested by Nimphius.

Regarding claim 2, see Caccuro, Figure 7.

Regarding claims 3 and 4, see Figure 1 of Nimphius and col. 5, lines 20-30 of Caccuro.

Regarding claim 5, see Caccuro, Figures 4-6.

Regarding claim 6, see Caccuro, Figures 4-6 and col. 5, lines 20-30.

Regarding claims 8 and 10, see Figure 8 of Caccuro. The events are reported in a voice data format.

Claim 11 is rejected for the same reasons as claim 1.

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Regarding claim 13, see col. 1, lines 50-60 of Caccuro.

Regarding claim 14, see abstract of Caccuro.

Regarding claims 15 and 16, see col. 5, line 15 to col. 6, line 50 of Nimphius.

Claim 27 is rejected for the same reasons as claim 1.

Regarding claims 28, 29, 31 and 32 see Figures 7-9 of Caccuro. Also see col. 1, lines 50-65 of Caccuro.

Claim 37 is rejected for the same reasons as claim 1.

Regarding claims 38-41, see column 5 of Caccuro. Also see Figure 1 of Nimphius.

Regarding claims 43, 44 and 46, see Figures 7-9 of Caccuro.

3. Claims 20-22, 24-26 and 33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Nimphius in view of Caccuro.

Regarding claim 33, Nimphius discloses a computer readable medium capable of configuring a computer to perform a method for reporting events in a wireless intelligent network (see Figure 2), said method comprising the steps of:

receiving a request for establishing a call from a first subscriber to a second subscriber in the wireless intelligent network (col. 4, lines 55-60);

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requesting a route from a location register in the network, receiving from the location register a directory number (col. 5, lines 35-60);

establishing the call from the first subscriber to a message node in the wireless intelligent network using the received directory number when an event associated with the call is detected and providing a message to the first subscriber based on the directory number and a profile associated with the subscriber (col. 5, line 60 to col. 6, line 50).

With respect to claim 33, Nimphius does not disclose the event indicates an error. Nimphius also fails to teach the call is established based on a subscriber group associated with the first subscriber. Additionally, Nimphius does not disclose the profile is associated with the subscriber group corresponding to the first subscriber. However Caccuro discloses all these limitations (see column 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nimphius with the error events and subscriber groups disclosed by Caccuro. This modification would allow for messages to be relayed to a calling subscriber when a called party is busy as suggested by Caccuro.

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Claim 26 is rejected for the same reasons as claim 33.

Claim 22 is rejected for the same reasons as claim 33.

Claim 20 is rejected for the same reasons as claim 33.

Regarding claim 21, see Figures 4-7 of Caccuro. Also see col. 1, lines 1-65 of Caccuro.

Regarding claims 24 and 25, see col. 2, lines 50-55 of Caccuro.

4. Claims 9, 30 and 45 are rejected under 35 U.S.C § 103(a) as being unpatentable over Caccuro in view of Nimphius in further view of Garcia, U.S. Patent No. 6,088,429 (hereinafter Garcia).

Regarding claim 9, Caccuro combined with Nimphius does not disclose executing the message in a TDD format. However Garcia discloses this limitation (col. 5, lines 13-21). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Caccuro combined with Nimphius to include the TDD messages disclosed by Garcia. This modification would allow deaf individuals to receive messages as suggested by Garcia.

Claim 30 is rejected for the same reasons as claim 9.

Claim 45 is rejected for the same reasons as claim 30.

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5. Claims 17 and 19 rejected under 35 U.S.C § 103(a) as being unpatentable over Gallant, U.S. Patent No. 6,259,782 (hereinafter Gallant) in view of Caccuro.

Regarding claim 17, Gallant discloses a method for reporting events in a wireless intelligent network comprising a switching node (130 and 140) and a message node interconnected by a network (124), the method comprises the steps of:

receiving, at the switching node, a request for establishing a call from a wireline subscriber to a wireless subscriber in the wireless intelligent network (col. 10, lines 1-5) and

identifying a location register in the wireless intelligent network for routing the call, receiving, at the switching node, a directory number from the identified location register (col. 10, lines 5-11).

With respect to claim 17, Gallant does not disclose establishing the call from the wireline subscriber to the message node based on the received directory number and a subscriber group associated with the wireless subscriber, when an event that indicates an error associated with the call is detected. However Caccuro discloses this limitation (see col. 1, lines 1-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Gallant with the message node taught by Caccuro. This modification would allow for messages to be relayed to a calling subscriber when a called party is busy as suggested by Caccuro.

Regarding claim 19, see col. 7, lines 1-11 of Gallant.

6. Claim 18 is rejected under 35 U.S.C § 103(a) as being unpatentable over Gallant combined with Caccuro in further view of Wheeler, U.S. Patent No. 5,583,920 (hereinafter Wheeler).

Regarding claim 18, Gallant combined with Caccuro does not disclose terminating the call established from the wireline subscriber to the message node when a request for disconnect is received from the wireline subscriber or the message node. However Wheeler discloses this limitation (see Figure 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Gallant combined with Caccuro with the terminating step taught by Wheeler. This modification allows for a call to be terminated whenever an IP completes reporting an event as suggested by Wheeler.

Response to Amendments

7. The amendment filed on 2/9/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Caccuro reference.

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Response to Arguments

8. Regarding claim 1, Applicant incorrectly alleges Caccuro never identifies a group associated with a subscriber. However Applicant does correctly enlighten that Caccuro plays a message based on the country codes, area codes and/or trunk codes. Hence according to Caccuro, CLI information is detected and Italian messages are played for Italian callers, Swedish messages are played for Swedish callers and Arabic messages are played for Arab callers (see Figures 4-6). Therefore Caccuro is able to detect whether a caller belongs to an **Italian group**, a

Swedish group or an **Arabic group**. Caccuro's

technique of playing the messages in **different**

languages based on the **language group** of the caller

is functionally equivalent to "identifying a group associated with a subscriber (what language group does caller belong to?)...wherein the group receives messages through the network in one of the plurality of formats (play message in the language of the caller)". As stated previously in the rejection of claim 1, Caccuro does not teach the subscriber is a wireless subscriber.

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Consequently, Examiner does not rely on the Caccuro reference to show the subscriber is a wireless subscriber. Examiner uses the Nimphius reference to show a wireless subscriber. Therefore the combination of Caccuro and Nimphius discloses the claimed limitations as presently claimed in claim 1. Should the applicant insist on charging that the combination of Caccuro and Nimphius never identifies a group associated with a wireless subscriber, Examiner respectfully request that Applicant illustrate the distinction between claim 1 and the Caccuro-Nimphius combination.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

9. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned

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are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
February 17, 2004

FAN TSANG
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written over the printed name and title.